

DEVELOPMENT MANAGEMENT COMMITTEE REPORT

Application Number	3/23/0681/FUL
Proposal	Change of use of land and the erection of 9 dwellings, with associated landscaping, vehicular access and parking.
Location	Land At Thorley House, Thorley Street, Thorley, Bishop's Stortford
Parish	Thorley
Ward	Bishop's Stortford – South

Date of Registration of Application	27 th April 2023
Target Determination Date	1 st May 2024
Reason for Committee Report	Member call-in Cllr Diane Hollebon. Reason for this referral request: Site entrance goes straight onto Whittington Way. This is dangerous due to the high volume of traffic onto Whittington Way. Poor visibility of traffic coming from London Road and Thorley Street. Traffic turning right will be at certain times dangerous due to high volume of back up traffic. Drivers exiting this development would have to sit in the middle of the road at peak times which could be extremely dangerous. Unsustainable due to traffic issues, will have a negative impact on the local environment.
Case Officer	David Lamb

RECOMMENDATION

That planning permission be **GRANTED** subject to the completion of a Section 106 Planning Obligation and the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 Planning approval is sought for the erection of nine dwellings, with associated landscaping, vehicular access and parking, on this undeveloped site located at Thorley Street, Bishop's Stortford.

1.2 It is proposed to provide a new vehicular access towards the northwestern corner of the site onto Whittington Way. The development proposes 3 X 3-bedroom, 2 X 4 bedroom and 4 X 5-bedroom detached dwellings. Some of the proposal maps for the District Plan indicate that part of the site lies with the BISH5 Bishop's Stortford South Local Plan housing allocation. However, this is an error and none of the site is allocated for development under policy BISH5.

1.3 The determining issues in the determination of this application are:

- Principle of the development
- Impact on the character of the area
- Impact on Designated Heritage Assets
- Impact on the amenities of nearby dwellings
- Highway Safety and Car Parking
- Affordable Housing
- Trees and Landscape
- Ecology
- Climate Change
- Flooding and Drainage
- Other Issues

2.0 Site Description

2.1 The application site is located within the settlement boundary at the junction of Thorley Street and Whittington Way Bishop's Stortford, and measures 0.94 hectares in area. The site contains many unprotected trees located on its boundaries and within the site. It sits approximately 1.5 metres higher than Thorley Street, and the majority of houses surrounding the land are two storey.

2.2 The site levels increase from east to west, and a mature hedge runs along the northern boundary of the land. To the west of the site sits the recently constructed Northwold Close, part of the BISH5 housing allocation. To the south of the site lies the existing dwellings Thorley House, and to the southeast Sparrow's Nest, both are grade II Listed Buildings.

3.0 Planning History

Application Ref	Description	Decision	Date
3/02/1594/OP	Single storey dwelling with	Refused	17.10.02

	double garage		
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4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018, the and the All Saints, Central, South and part of Thorley Neighbourhood Plan (NP).

Main Issue	NPPF	DP policy	NP policy
Principle of development	7 –14,47, 60,124	INT1 DPS1 DPS2	
Impact on the character of the area	131- 140	DES3 DES4	HDP2 HDP3
Impact on Designated Heritage Assets	200, 205, 208	HA1 HA7	
Impact on the amenities of nearby dwellings	135	DES4	HDP1
Highway Safety and Car Parking	108 – 112,114 - 116,	TRA1 TRA2 TRA3	TP7, TP8, TP10, TP11
Affordable Housing	60, 63 - 66	HOU3	HDP4
Trees and Landscape	128, 135- 136	DES3	GIP5
Ecology	180, 185 -186	NE1, NE2, NE3.	GIP5
Climate Change	158-159	CC1, CC2, WA4	CC1, CC4
Flooding and Drainage	165, 173, 175	WAT1	GIP8
Other Issues (Equality Act, First Homes etc)			
Planning Balance			

5.0 **Summary of Consultee Responses**

5.1 HCC Highway Authority

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.

This application for the erection of nine dwellings on the site of a single property is acceptable in principle from a highway context. Whittington Way is a road subject to a 30-mph speed limit with a highway grass verge/bank and signage fronting the development site. The scheme proposes a new vehicle access at a point where appropriate visibility splays can be provided. A suitable level of parking and space for vehicle turning is included within the proposal shown on drawing SPD257.300.13. The application is supported with a Transport Statement dated November 2023 and the highway authority concurs with its findings apart from point 2.2 which conflicts with 4.22. There is an existing vehicle access to the site from Whittington Way and I have included condition 5 above to cover this point. Traffic generation will not be significant on this unclassified road. Works are required on the public highway, and I have included condition 1 and AN1 above to cover this point.

5.2 Thames Water

No comments.

5.3 EHDC Housing Strategy Officer

The scheme proposes nine dwellings with a combined internal floorspace of 1,858m², which is above the threshold for the provision of affordable housing.

In accordance with Policy HOU3 approved October 2018 the scheme should deliver 35% affordable housing. Therefore, based on 9 dwellings overall, 3 affordable homes should be provided.

5.4 EHDC Conservation and Urban Design Advisor

No objection.

The design of elevations has been revised and is now well considered in relation to their position and visibility along London Road and Whittington Way.

There is a sufficient distance between the units and Sparrow's Nest to ensure there is no harm.

The application would result in less than substantial harm to the significance and special interest of Thorley House. There are no heritage benefits associated with the scheme. The less than substantial harm should be weighed against the public benefits of the proposal. The balancing exercise to consider whether the public benefits of the development would be sufficient to outweigh the less than substantial harm identified is a matter of planning judgement to be made by the Planning Case Officer.

5.5 EHDC Landscape Officer

No overall unacceptable adverse aboricultural impact and overall site layout is acceptable. SUDS feature could be improved, and revisions to planting beds requested.

5.6 Herts Ecology

No objections

It is noted that trees T50-54, T66-68 and T70-76 may support bat roosts and would need to be removed to allow the development to proceed. Accordingly, it recommended that all those listed were subject to a 'ground up preliminary roost assessment and the results provided to the Council for review before the application can be determined.

Considers the predicted net gain in biodiversity to be acceptable, subject to conditions.

5.7 EHDC Environmental Health Advisor

No objections subject to conditions.

5.8 EHDC Waste and Recycling

All roadways should be constructed to facilitate waste collections prior to occupation.

5.9 HCC Fire and Rescue

Requests condition to require the provision of fire hydrants.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 **Town/Parish Council Representations**

Thorley Parish Council – Objects.

The Council objected originally for three reasons two of which remain as there have been no changes in the amended application on:

- **Impact on Highway Capacity and Safety:** where we support the comments of Herts Highways that the new site access on to Whittington Way will impact on the central island crossing point and that there is insufficient information provided in the Transport Statement to assess the impact on the highway network; and
- **Non-compliance with EHDC Sustainability SPD on biodiversity:** where we continue to support the Herts and Middlesex Wildlife Trust objection that the application is not consistent with local or national policy on biodiversity loss.

The Council also continues to object to **the failure to provide affordable housing** as required by District Plan Policy HOU3 which requires an affordable housing provision on all development sites proposing 10 or fewer additional dwellings with a combined gross floor space greater than 1,000 square metres and by Neighbourhood Plan and NPPF policies on sites greater than 0.5 hectares.

We note that the Planning Statement (PS) accompanying the original application which wrongly asserted that "*the proposal does not meet the minimum threshold for providing affordable housing*" has not been amended and, although the combined gross floor space has been reduced by approximately 12% it is still greater than 1,000 square metres and the site area remains the same at 0.9 hectares.

Our discussion with the case officer indicated that, although the amended development makes no affordable housing provision, the applicant now recognises the policy requirements and, since it would be difficult to find an affordable home provider for a small-scale provision on the site, they would consider making a financial contribution for off-site provision elsewhere. Thorley Parish Council would support such provision but would expect it to be made to an affordable housing development within the area in order to meet local needs.

For the above reasons - and until an adequate affordable housing financial contribution is independently estimated and agreed in an appropriate location - we therefore continue to recommend **refusal** of the amended planning application.

7.0 Summary of Other Representations

7.1 Fourteen responses have been received objecting to the proposals on the following grounds:

- Loss of green space which helps to buffer the impacts of climate change
- Disruption of habitat
- Loss of garden for historical house which contributes to its overall charm, aesthetics and historical context.
- Increase in traffic volume, worsening of air quality
- Loss of trees and hedges
- More development in the area is not needed, the area needs less houses and more green spaces
- Loss of outlook
- No affordable housing proposed
- Road unable to cope with extra traffic
- The existing access from Thorley House should be used
- Would worsen road safety.
- New entrance will make the path useless for pedestrians
- Flooding to properties since the St James's development built
- The site buffers the adverse effects of extreme weather such as rainstorms
- Construction work will disturb the area for years
- There will be noise, pollution and loss of sunlight

7.2 One response received neither objecting or supporting the proposals on the following grounds:

The commitment to biodiversity enhancements is welcomed. However, the proposed bird boxes should be changed to integrated swift bricks.

7.3 Cllr Diane Hollebon –

Original Plans - Site entrance goes straight onto Whittington Way. This is dangerous due to the high volume of traffic onto Whittington Way. Poor visibility of traffic coming from London Road and Thorley Street. Traffic turning right will be at certain times dangerous due to high volume of back up traffic. Drivers exiting this development would have to sit in the middle of the road at peak times which could be extremely dangerous. Unsustainable due to traffic issues, will have a negative impact on the local environment.

Amended Plans - As per the initial proposal to build houses on this parcel of land, I strongly object as per my previous objections. Definitely over intensification of the site. Poor access/site lines onto both the London Road and Whittington Way. Congested traffic since the development of B.S. South and this is still ongoing. Infrastructure issues too. To name but a few.

7.4 Herts and Middx Wildlife Trust – Before a decision can be made on this application, the full biodiversity metric must be supplied to enable scrutiny. This must show a net gain of more than 10% in accordance with the EHDC Sustainability SPD. *Include here any other persons or groups, eg local Member, residents associations, MPs etc*

7.5 Bishops Stortford Civic Federation (BSCF)-

Continues to object to the failure to provide affordable housing. Understands the developer is considering making a financial contribution towards affordable housing elsewhere and welcomes this. It is recognised as being difficult for an affordable housing provider to provide homes on such a small site. Would support contribution being used locally, rather than elsewhere in the district. Believes there is insufficient information in the Transport Statement to assess the impact on the highway network. Objects on highway impact and safety grounds.

8.0 **Consideration of Issues**

Principle of Development

- 8.1 The application site lies around 1.5 miles from the centre of Bishop's Stortford, and the town can be assessed on foot in around 25 minutes or even quicker by cycle, or by using one of the frequent buses. Adjoining the large District Plan allocation BISH5, this area forms part of Bishop's Stortford with its many facilities and is a sustainable location for new development, in accordance with policy DPS2. As such, the principle of new housing on the site is acceptable in accordance with local and national planning policy.

Impact on the character of the area

- 8.2 With its elevated levels, and position at the junction of Thorley Street and Whittington Way, the application site can be described as being prominently located. However, the mature trees and hedging on the boundaries of the land do provide screening to the interior part of the site. The proposed layout plan shows nine detached two storey dwellings being served from a single vehicular access from Whittington Way. The majority of trees on the site are being retained with most of the development being planned around them.
- 8.3 Many of the existing dwellings in the area are two storey in height, and detached. With the exception of the new dwellings being constructed to the west of the site, most dwellings in the area date from pre-1970s. A SUDs attenuation basin is proposed in the south east corner of the site, and an undeveloped biodiversity area will be retained on the eastern side of the land adjacent to Thorley Street. All of the new houses would have chimneys to articulate the roof form, along with a varied palette of materials being proposed namely, clay pantiles/plain tiles, red multi brick, black timber boarding, chalk, yellow and pink render. Apart from the bell mouth at the junction of the access and Whittington Way, the onsite access will be constructed in block paving.
- 8.4 At just under 8.5 dwellings per hectare, the proposal represents a low-density development, and this has allowed most existing trees to be retained. Each property has a reasonably sized garden, adequate parking and acceptable distances between each dwelling. The Design and Access Statement sets out that a landscape led approach has been taken to the development and this can be seen in the layout plan proposed. There is architectural variety in the detailed design on the dwellings which incorporate decorative soffits and fascias. Overall, by the retention of most existing trees and hedging, and the density of housing shown, the proposal demonstrates a sensitive approach to the

development of the site which seeks harmonise the new dwellings with their surroundings.

- 8.5 The Council's Urban Design and Conservation Officer considers the elevations of the dwellings as revised to be well considered in relation to their position and visibility along London Road and Whittington Way.
- 8.6 The existing and proposed landscaping will ensure that the new houses do not appear prominent in the street scene, and they will not have an unacceptable impact on the character of the area. The proposal is considered to comply with District Plan policy DES4 and NP policies HDP2 and HDP3.

Impact on Designated Heritage Assets

- 8.7 The site lies within the setting of several designated heritage assets which surround the land, and these are all grade II Listed Buildings. To the south of the site lies Thorley House, to the south east Sparrow's Nest, Park View Cottages to the east on the other side of London Road, and Old Post Office Cottages to the south east.
- 8.8 The NPPF sets out in para. 200:
In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.9 Para. 205 states:
When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.10 Para. 208 outlines:
Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 8.11 Policy HA1 in the District Plan requires that proposals preserve and where appropriate enhance the historic environment of East Herts. Moreover, policy HA7 states that proposals affecting the setting of a Listed Building will only be permitted where the setting of the building is preserved.
- 8.12 The listing for Thorley House states: *House. Circa 1901 (in Kelly's Directory 1902) by Eustace C Frere, architect, as his own residence. Brick, roughcast even on the chimneys. Steep red tile roofs. Planned with all main rooms on S side. Two and a half storeys rear elevation has 3 gables and lead roofed small porch, half-glazed with moulded cornice curved round corners. 6-panel door flanked by small paned wooden windows, similar window carried round porch at same level. W gable has corbels carrying the eaves of rear part. External gable chimney with upper part of gable corbelled-out to its outer face. Asymmetrical main front to S. Two and a half storeys with gabled cross-wing on right with a tall lateral chimney engaged in the lower part of its left slope. Lower gable towards left hand side, all in same plane. 3-sided single storey parapeted bay on left with tall narrow openings and much wall area between. Projecting rectangular wooden bay window over with 4/4:6/6:4/4 panes. Small 6/6 paned recessed sash in gable over. Centre eaves carried on 2 corbels. Rectangular wooden bay with elongated panes 4/4:6/6:4/4 on Ground floor. Lower 3-light sash windows with similar panes over, righthand gable has narrow tall glazed door, 6/6 panes window over and 6/6 sash window in gable. Plane of front carried on righthand by rendered wall and to left hand by similar wall. Louvred shutters to some windows. Garden said to be professionally designed. Small walled service garden on E end of house. E end has corbelled eaves to front parts, central gable with engaged chimneystack 6/6 sash on 1st floor and 3-light sash on Ground Floor under segmental arch. Projecting NE wing, gabled left chamfered corner turret with 3-sided coved window with moulded cove and 1 small light each side. 6/6 sash to E end of S front.*
- 8.13 The Heritage Statement accompanying the application outlines the significance of the building deriving from its high architectural value owing to the quality of its design and overall composition. It is of historic interest owing to its date, construction, and reference to a "professionally" designed garden. Moreover, the house was designed and once occupied by the architect Eustace Frere, who designed some

relatively prominent buildings and extensions in London, including the 1908 extension to the Royal College of Surgeons, Lincoln's Inn Fields.

- 8.14 Plot 5 will be around 23 metres from Thorley House, and 37 metres from Sparrow's Nest, these are the two nearest Listed Buildings to the new houses situated to the south of the site. The application sets out that the site was historically owned by Thorley House. The site therefore has a historical and visual link to this Listed Building. Thorley House has a front elevation facing north across the application site, although the house was designed to take advantage of the views south over open land and associated gardens. The proposed development would be clearly visible from the north facing rooms in Thorley House and from the garden area. The Urban Design and Conservation Officer considers that unit 4 and to some extent unit 5 would detract from the architectural significance of the building, resulting in less than substantial harm to the significance and special interest of the Listed Building.
- 8.15 Whilst the comments of the Urban Design and Conservation Officer have been considered very carefully, the officer highlights the most architecturally significant elevation of Thorley House is to the rear which was designed to take advantage of the views south over open land and associated gardens.
- 8.16 It is important to note that the proposal would not affect views south from Thorley House, and the rear elevation of the building is some 33 metres from plot 4. Moreover, views north towards the application site would be screened to a great extent by a mature Blue Cedar to the west of the dwelling, and the mature Beech tree proposed to be retained in plot 4's garden provides further screening. A planning condition is proposed to require the Council's approval for any works to this tree. In addition, the retention of the existing Beech boundary hedge would also assist in softening the impact of the development on Thorley House. Whilst Historic England cautions against placing too much weight on the screening effects of soft landscaping, the Blue Cedar and Beech hedge have existed for many years and there are no reasons to believe they will not exist and mature for many years to come. The applicant has submitted photomontages illustrating the potential impact from the most sensitive viewpoint which have been carefully considered by officers in coming to a conclusion on the level of less than substantial harm caused to the setting of the listed building.

- 8.17 Sparrow's Nest is located at the entrance to Thorley House from Thorley Street, on the northern side of the private driveway, onto which its principal elevation faces. The listing for the property states: *House. C17. 2 storeys, timber frame plastered over low plinth. 3-unit plan with large central stack at upper end. Small central stack inserted at service end against cross passage. Cased axial beam in hall. Formerly winding stair in position of modern rear stair in rear extension. 2 storeys rear lean-to extension, 3 window front, steep gabled roof now slated. Bellcast and projecting eaves to front. 3-light early C19 'Gothic' pointed windows with labels, leaded glazing and iron opening lights. Porch off-centre to left. C19 trellis, slated, gabled porch with faceted posts and stepped cap and trabiation. Plain pilasters with stepped caps. 2-panel battened door with pointed glazing bars in upper part. Heavy old iron chain and crossbar internally. Modern bay on N end.*
- 8.18 The significance of Sparrow's Nest is derived from its architectural interest owing to its overall level of survival and quality of the principal south-facing elevation. The property is of historic interest owing to its age and being one of the earlier surviving buildings along Thorley Street.
- 8.19 The proposed development site is adjacent to the plot boundary of Sparrow's Nest and some views of the new development would be visible, however these views are unlikely to be intrusive or impact on the significance of the building given the siting of the dwellings. The Urban Design and Conservation Officer considers there is a sufficient distance between the units and Sparrow's Nest to ensure there is no harm.
- 8.20 Both Park View Cottages and the Old Post Office Cottages are located to the east of the site on the opposite side of London Road. They are on the opposite side of Thorley Road and their relationship to the site is limited. The proposed development would not impact on their significance or setting.
- 8.21 Due to the proximity of the development to Thorley House there would be less than substantial harm to the setting of the building. The level of harm is viewed as being at the lower end of less than substantial. The harm is mitigated by existing intervening trees and landscaping within Thorley House's garden and the application site, and by the generous separation distance to the new dwellings. The visual impact has been illustrated within the photomontages provided which demonstrate the effect (of the development) on the listed building's setting will be

minimised. As such, and in accordance with the NPPF, the harm must be weighed against the public benefits of the proposal, and this assessment is done in the Planning Balance section of the report below.

Impact on the amenities of nearby dwellings

- 8.22 Immediately to the west of the site lies the recently constructed Northwold Close. Plot 1 will be around 17 metres from 4 Northwold Close which is sited side on to the application site. Plot 2 will be approximately 27 metres from 2 Northwold Close, plot 3 will 22 metres away from 1 Northwold Close, and 20 metres from 4 Horsley Court. Given the siting of the proposed dwellings they will be visible from the existing housing to the west, however due to the above separation distances the development will not be overbearing or give rise to an unacceptable loss of light or privacy. Any overlooking which may result would not be unreasonable within a residential area.
- 8.23 The separation distances to Thorley House and Sparrows Nest to the south are described earlier in this report. At a minimum of 23 metres away, plots 4, 5 and 6 would not have an overbearing impact or result in an unacceptable loss of privacy, outlook or light to occupiers within the above-mentioned listed buildings.
- 8.24 All other existing dwellings in the area do not directly adjoin the application site. Given their siting on the opposite side of Thorley Street and Whittington Way, their amenities would not be materially affected by the development. Given the above, the proposal would comply with policy DES4 in the District Plan and HDP1 in the NP.

Highway Safety and Car Parking

- 8.25 Hertfordshire County Council as Highway Authority for the area has been consulted on the proposal and does not wish to restrict the grant of planning permission for the development, subject to the imposition of conditions on any approval issued.
- 8.26 The Highway Authority have confirmed that Whittington Way is subject to a 30-mph speed limit, and the new vehicular access to the north west of the site will provide appropriate visibility splays. The application is supported by a Transport Statement, and the Highway Authority concurs with its findings, apart from conflict within the report regarding the existence of an access at the site. There is an existing access from

the site onto Whittington Way, which will need to be closed as part of the development, and this will be achieved by condition.

- 8.27 The Highway Authority advise that the trip generation will not be significant from the development. The Transport Assessment outlines that the proposal would likely result in 5 trips in both the AM and PM peak, with a total of 43 vehicular trips per day, amounting to under 4 additional trips per hour. Whilst a number of local residents have objected to the proposal due to existing traffic congestion, it is clear from the above figures that the traffic impact from this development would not be severe which is the test imposed for new development in the NPPF. Given the above advice it is not considered that the proposal would result in adverse impact on highway safety. As such the development complies with policy TRA2 in the District Plan and policy TP1 in the NP.
- 8.28 In terms of car parking, it is proposed to provide a total of 33 car parking spaces set against the requirement for 26 spaces in the Council's Updated Vehicle Parking Standards. The proposal complies with policy TRA3 in the District Plan and policy TP8 in the NP. All the dwellings have large garages which will be available to provide secure cycle parking to encourage sustainable travel.

Affordable Housing

- 8.29 Policy HOU3 in the District Plan requires up to 35% affordable housing on sites proposing 10 or fewer gross additional dwellings, where the dwellings would have a combined gross floorspace greater than 1,000 square metres. The policy also states that a lower provision may be permitted due to viability reasons or where it would prejudice the need to secure other infrastructure priorities. In this scenario applicants are required to provide a financial viability assessment as part of the planning application, and the Council will appoint an independent consultant to assess the viability of the development. Policy HOU3 also states that affordable housing should normally be provided on site, apart from in exceptional circumstances when agreed with the Council. Applicants are required to provide justification as part of their planning application setting out the need for off-site provision or financial contributions. In terms of the gross floorspace of the dwellings proposed this would amount to 1,614 square metres, and policy HOU3 therefore requires 35% affordable housing as part of this development.

- 8.30 The Council's Affordable Housing SPD states that the Council will not seek affordable housing on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of the SPD. The application site area in this case is 0.90 hectares.
- 8.31 In terms of current national guidance regarding affordable housing, paragraph 65 of the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments. A major development is defined in the NPPF as: *For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.* The Planning Practice Guidance echoes the advice in the NPPF. It is therefore clear that at a national level there is also a requirement for affordable housing as part of this proposal.
- 8.32 In the Written Ministerial Statement dated 24th May 2021, the Government announced that First Homes would be a new scheme to provide homes for first time buyers at a discount of 30% against the market value, and after applied the sale price must be no higher than £250,000 outside Greater London. A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. However, the Council currently prefers to seek the provision of affordable rented properties in line with its Affordable Housing SPD. This provision is considered to better address the local housing need for affordable housing in the District as opposed to securing First Homes.
- 8.33 The NPPF also advises that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment, and the weight to be given to such an assessment is for the decision maker, having regard to all the circumstances in the case. The NPPF expects affordable housing to be provided on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.34 To comply with policy HOU3 the development would need to provide 3 affordable units. The applicant has approached 15 Registered Providers (RPs) and none of them were interested in bidding for the affordable units, with many citing the small number of dwellings being offered as being the reason. Two of the RPs stated they would only bid on sites offering a minimum of 20 or 30 affordable units.

- 8.35 The site also requires a pumped system for foul and surface water which will involve significant management costs which may also make the site unattractive for affordable provision. For this reason, the site has not been designed to support affordable housing given the extensive management costs and service charges.
- 8.36 The justification from the applicant has been considered and the practical and financial difficulties of providing affordable housing on small sites is acknowledged and understood. It is not unusual for RPs to be unwilling to bid for small numbers of affordable units given the higher management costs involved. It is considered that taking all the factors into consideration, the principle of providing an off-site contribution towards affordable housing is accepted in this case.
- 8.37 The Council's Affordable Housing SPD sets out that where an off-site contribution is accepted, the level of contribution should be broadly equivalent to the cost of providing the affordable housing on-site via an agreed methodology with the Council. The SPD includes a formula for calculating the level of off-site provision, which results in a higher number of affordable units than would be required if provision is made on site. This is a reflection that the developer is able to provide more market units on their development than would be the case if the affordable units were also provided on site. The Council's formula requires a financial sum for off-site provision for this proposal equivalent to the cost of providing 5 dwellings (rounded up from 4.84). For a small scheme of 9 market dwellings, the SPDs requirements represents a significant financial burden for the development.
- 8.38 The applicant has submitted a viability assessment which sets out that even with no provision made for affordable housing the scheme is financially unviable. In order to assess independently the viability of the development and in accordance with policy HOU3, the Council appointed a viability Consultant to consider the evidence submitted with the application. The Council's Consultant concluded that based on the applicant's cost plan the development would produce a negative land value of -£402,631 or -£214,317 depending on whether a 20% or 17.5% profit margin is applied. As a guide the Planning Practice Guidance advises that for plan making an assumption of 15-20% of gross development value may be considered a suitable return to a developer in order to establish the viability of plan policies. Based on the above figures the development is not viable, and any provision for affordable housing would make it more unviable.

- 8.39 The Council's viability Consultant advises further that if BCIS rates for base build costs are used, then applying an addition for external works, and the use of median BCIS sales values, the scheme (for 100% market housing) could be more viable. Based on these assumptions the Council's Consultant advises the scheme may therefore be capable of making a modest affordable housing contribution depending on the profit margin and use of BCIS as the base build cost.
- 8.40 The above factors demonstrate the difference in outcomes depending on whether the applicant's cost plan is used, or whether the Council's consultant's BCIS based 'hybrid' approach is adopted.
- 8.41 There is clearly a difference of opinion between the applicant and the Council's Viability Consultant on the issue of build costs for the development. In this respect, Officers have undertaken negotiations with the applicant in an attempt to reach a reasonable outcome which reflects the differing views on build costs, and the importance of securing an appropriate contribution towards affordable housing.
- 8.42 The outcome of discussions with the applicant is that they have offered to contribute £100,000 towards affordable housing which sits approximately halfway between the Council's advisors 'hybrid position and the applicant's position. Given this is a small development, and the viability position as outlined above, this is viewed as a reasonable offer particularly taking into account the difficulties in the housing market at present. In line with the advice from the Housing Officer, this contribution would be put towards the provision of affordable housing in the district and will be secured by way of a Section 106 Obligation.
- 8.43 Based on the evidence available the financial position of the scheme is constrained, and with the above contribution to affordable housing being made, it is considered there is compliance with policy HOU3 and the NPPF in respect of affordable housing.

Trees and Landscape

- 8.44 The site contains many trees both around its boundaries and within its interior. None of the trees are protected by way of a Tree Preservation Order. The Arboricultural Impact Assessment accompanying the application individually surveyed a total of 87 trees, 7 groups of trees, 8 areas of hedges, and a woodland area. The Assessment sets out the need to fell approximately 30 trees, one entire group of trees, and the

partial removal of another group. It is proposed that several other trees will either crown reduced or have their crowns lifted.

- 8.45 The Arboricultural Impact Assessment states that there will be a high impact from the loss of group 1 (G1) as the trees are growing outside of the site immediately adjacent to Whittington Way. There will also be a moderate impact from the loss of 7 other trees as they are either growing reasonably close to the northern boundary of the site and therefore have high amenity value when viewed from Whittington Way or are much larger trees internal to the site but are likely to have amenity value to both the adjacent roads and public footpaths given their stature.
- 8.46 In acknowledging the removal of landscaping outlined above, the Council's Landscape Officer considers that the most important trees are being retained and successfully assimilated into the layout such to satisfy green space infrastructure requirements and give an instant sense of maturity to the development. The hard landscaping proposed is acceptable, and subject to an appropriate landscaping scheme being secured by condition, the proposals show a high-quality landscape setting for the new dwellings. In this way there is compliance with policy DES3 in the District Plan.

Ecology

- 8.47 Policies NE1 and NE3 of the District Plan indicate that proposals should not result in detrimental impacts to biodiversity and should in fact seek to enhance biodiversity and create opportunities for wildlife. Policy NE2 of the District Plan outlines that all proposals should achieve a net gain in biodiversity.
- 8.48 Whilst the site is mainly grassed, it also contains many trees and other soft landscaping. A Preliminary Ecological Appraisal (PEA) has been submitted with the application, which puts forward a number of recommendations to ensure there is not an unacceptable impact on ecology. This includes undertaking a reptile survey, and a Preliminary Roost Assessment prior to any tree removals. It also recommends the woodland on the eastern side of the site is subject to enhancements via Woodland Management Plan. A reptile survey has also been undertaken separately and no reptiles were found on the site.
- 8.49 The Ecologist at Herts County Council considers the PEA to be fit for purpose and has no reason to disagree with its outcomes. In

accordance with the PEA, the Ecologist advises that those trees shown for removal that have potential to contain bat roosts should be surveyed before the application can be determined. The applicant has arranged for the survey to be undertaken, and an update will be provided to the Committee in advance of their consideration of the application.

- 8.50 As the site contains many trees and soft landscaping the majority of which are being retained, the site already has a relatively high biodiversity value. These means it is very difficult to achieve a sizeable biodiversity net gain (BNG) on a site of this size and nature. However, a number of biodiversity enhancements are proposed as part of the scheme and these include proposed planting native species of hedging, planting of trees and shrubs beneficial to biodiversity, bat/bird boxes, and hedgehog highways. The updated Biodiversity Metric accompanying the application indicates a BNG of 2.01% in habitat units and 73.19% in hedgerow units. The Ecologist at the County Council considers that the delivery of a BNG should not represent a fundamental constraint to the development or reason for objection, subject to the imposition of a condition securing its delivery.
- 8.51 Overall subject to appropriate conditions, it is not considered there would be detrimental impact on biodiversity, and there would be a BNG on the site. As such, the proposal complies with policies NE1, NE2 and NE3 in the District Plan and policy GIP5 in the NP.

Climate Change

- 8.52 Policies CC1 and CC2 in the District Plan requires new developments to demonstrate how they intend to minimise overheating in summer, reduce the need for heating in winter, integrate green infrastructure to contribute to urban greening, and reduce carbon dioxide emissions. Policy WA4 meanwhile requires developments show they will minimise the use of mains water.
- 8.53 For this development the applicant proposes to install solar panels, air source heat pumps, and Electric Vehicle (EV) chargers for all properties. In addition, rainwater will be collected for garden use. A fabric first approach will be used to reduce energy demand. All these measures will be secured by condition and ensure that the use of energy is reduced for each property, and that carbon dioxide emissions are minimised. The additional landscaping proposed will help to integrate

green infrastructure with the surrounding area. The proposal will therefore comply with policy CC1 and CC2 in the District Plan.

- 8.54 Low and reduced water demand fittings such as taps, showers and water consuming appliances will be provided to each dwelling. All dwellings on the site will achieve a water conservation standard of 110 litres per person per day in accordance with policy WAT4, and this will be secured by condition.

Flooding and Drainage

- 8.55 Policy WAT1 in the District Plan states that proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land. Policy WAT5 outlines that development must utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy, unless there are practical engineering reasons for not doing so.
- 8.56 The site is located in Flood Zone 1 which is defined as land having a low probability of tidal or fluvial flooding. A very small part of the site near to the southern boundary is shown to be at low risk of surface water flooding, and this area would be at the very rear of the garden for plots 3, 4 and 5.
- 8.57 The drainage strategy will encompass a Sustainable drainage system (SuDS), and attenuation to manage peak run-of volumes required during rainfall events up to and including the 1:100 year event inclusive of a 40% climate change allowance. Flood volumes will be stored on site in the proposed attenuation basin, along with the use of permeable paving.
- 8.58 Affinity Water have not responded to the consultation sent regarding the application, and Thames Water have stated they have no comments to make on the proposal. Connections into Thames Water's sewer network will need to go through the company's own application process.
- 8.59 Based on the information provided, and in the absence of any technical objections, it is considered that the proposal is acceptable in terms of flooding and drainage. This being the case the development complies with policy WAT1 and WAT5 in the District Plan.

Other Issues

Equality

- 8.60 Section 149 of the Equality Act (2010) requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 8.61 The policies and guidance referenced in the committee report have all been subject to an equalities impact assessment (EqIA) and therefore, the planning policy framework is considered to meet the first stage in the process.
- 8.62 The application proposes new housing, it is not considered that the proposal would harm those with protected characteristics defined by the Act.
- 8.63 Officers have duly considered the equalities impacts on protected groups in the context of the development proposals. As such it is considered that the Council has fulfilled its requirements to consider the equality impacts on protected groups.

Third Party Comments

- 8.64 The majority of comments received from local residents have been addressed within this report. Concerns regarding the impact of construction works on existing dwellings are noted. However, such impacts are temporary and would not be a reason to withhold planning permission.

9.0 Planning Obligation

- 9.1 The sum of £100,000 will be secured towards off-site affordable housing provision. Whilst the comments of the Parish Council and Civic Federation are noted, the affordable housing needs of the authority are assessed on a district wide basis. As such, the contribution made by the developer would be spent towards providing affordable housing in the East Herts District.

10.0 Planning Balance and Conclusion

- 10.1 The impact of the development on the character of the area, the amenities of nearby residents, ecology and on highway safety is acceptable. In view of the viability of the scheme, an appropriate contribution will be secured towards affordable housing. There would be a net gain to biodiversity, and the proposal is acceptable in term of climate change, flooding and drainage.
- 10.2 In terms of benefits, the proposal provides nine dwellings in a sustainable location, and this would be a small contribution to the local supply of housing. There would be economic benefits both during and after construction, due to it providing employment, and from future occupiers buying goods and services locally. The negative aspects of the proposal are limited to the less than substantial harm identified to the setting of Thorley House. The harm would be mitigated by existing soft landscaping, and the appreciation of the views south from the rear of the Listed Building would not be affected by the development. For the above reasons, it is the officer's view that the public benefits outlined above outweigh the harm identified, and the development accords with the NPPFs presumption in favour of sustainable development.
- 10.3 There is overall compliance with the District Plan, Neighbourhood Plan, and NPPF, and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below and the satisfactory conclusion of a legal agreement as outlined above:

Conditions

- 1 The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

- 2 The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

- 3 Before first occupation of the approved development, the access arrangement, including visibility splays, onto Whittington Way shall be completed in accordance with the approved in principle plan DR1 Rev b contained in the Transport Statement dated November 2023 and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to an adequate standard.

- 4 Prior to first occupation or use of the development hereby approved the hard surfaced areas of the development, including roads, turning areas, pavements, driveways and car parking areas shall be surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority so as to ensure satisfactory parking and turning of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The development should be implemented in accordance with the approved details.

Reason: To ensure safety and satisfactory appearance in accordance with Policies DES4, TRA2 and TRA3 of the East Herts District Plan 2018.

- 5 Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

- phasing for the development of the site, including all highway works;
- methods for accessing the site, including construction vehicle numbers and routing;
- location and details of wheel washing facilities;
- associated parking areas and storage of materials clear of the public highway;

Reason: To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised.

- 6 Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

- 7 Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

- 8 Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details. Any external lighting scheme should follow guidance from the Bat Conservation Trust and ILP 2023, and CIE 150:2017 and be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Reason: In the interests of protecting against light pollution, to protect the amenities of neighbouring residents, to safeguard the use of the site by bats and other species, and in accordance with Policies DES4, EQ3 and NE3 of the East Herts District Plan 2018.

- 9 Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018

- 10 The development shall be implemented in accordance with all biodiversity enhancement measures as indicated on the Biodiversity Enhancement Plan No. OS 2358-22.7 Rev A hereby approved.

Reason: To accord with policy NE2 in the East Herts District Plan and to provide a Biodiversity Net Gain on the site.

- 11 No dwelling hereby approved shall be occupied until a Woodland Management Plan for the woodland to the east of the site has been submitted to and approved by the local planning authority. The Woodland Management Plan shall include details of future management of the woodland and measures to enhance its biodiversity value.

Reason: To accord with policy NE2 in the East Herts District Plan and to enhance features that contribute to the local and wider ecological network.

- 12 The development shall be carried out in accordance with the Preliminary Ecological Survey Incorporating Bat Survey Inspection and Defra Metric Calculation Dated March 2023 and the Reptile Survey Report dated Spring 2023.

Reason: To protect the habitats of any protected species under the Wildlife and Access to the Countryside Act 1981, and other biodiversity on the site, and in accordance with Policy NE3 of the East Herts District Plan 2018.

- 13 All sustainability measures aimed at reducing carbon dioxide emissions, use of energy, and improving air quality, as indicated on plan no. SPD257.308.05 shall be implemented prior to the first occupation of the dwellings to which they relate.

Reason: To adapt to climate change and reduce emissions of CO₂, in accordance with policies CC1 and CC2 of the East Herts District Plan 2018.

- 14 Prior to erection of above ground superstructure of the development hereby approved, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority of the sound level

emitted by the air source heat pumps (ASHP) inclusive of any mitigation measures as appropriate. The assessment shall demonstrate that the external sound level emitted will be lower than the existing background noise level by at least 5dBA at the nearest and / or at the most affected noise sensitive premises, with equipment operating at maximum capacity and inclusive of any penalty for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

- 15 In connection with all site preparation, demolition, construction, conversion and ancillary activities, working hours shall be restricted to 08:00 - 18:00 hours on Monday to Friday, 08:00 - 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

- 16 Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities. In times of exceptionally dry weather, additional measures should be put in place to mitigate against the spread of dust.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

- 17 Prior to the commencement of any piling works, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the local planning authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

- 18 Prior to above ground construction work commencing, details of a scheme providing fire hydrants to serve the development shall be submitted to and approved by the Local Planning Authority. The development shall accord with the details approved.

Reason: In order to ensure there is an adequate water supply at the site in the event of a fire.

- 19 The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the

necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

- 20 The development shall be undertaken in accordance with the Arboricultural Impact Assessment dated August 2023. All existing trees and hedges shall be permanently retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

- 21 Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

- 22 All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

- 23 Prior to the commencement of any above ground works, details of the measures required to facilitate the provision of high-speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high-speed broadband for each residential dwelling. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of each residential dwelling prior to the first occupation of that residential dwelling to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with Policy DES4 of the East Herts District Plan 2018.

- 24 The development shall be implemented in accordance with Flood Risk Assessment by SPD Studio dated March 2023, unless otherwise agreed in writing with the Local Planning Authority. Upon completion of the surface water drainage scheme, a management and maintenance plan for the surface water drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority to secure the operation of the scheme throughout its lifetime. It shall be supported by a full set of as-built drawings, and a post-construction location plan of the SuDS components cross-referenced with a maintenance diagram.

Reason: In the interests of the management of surface water flows in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

- 25 Prior to the first occupation of the development hereby approved, measures shall be incorporated within the development to ensure that a water efficiency standard of 110 litres (or less) per person per day is achieved.

Reason: To achieve a reduction in water usage and increased water efficiency in accordance with Policy WAT4 of the East Herts District Plan 2018.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, development consisting of the enlargement, improvement or other alteration of a dwellinghouse as described in Schedule 2, Part 1, Classes A, B, C and E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the nature of development taking place at this site; in the interest of local amenity, to protect the amenities of adjoining dwellings, to ensure the retention of existing trees, protect the setting of adjacent listed buildings and to accord with Policies DES3, DES4 and HA7 of the East Herts District Plan 2018.

- 27 Notwithstanding any details contained in the application hereby approved, no works shall be undertaken to fell or reduce the mature Beech tree within the garden of plot 4 as shown on plan no. SPD257.300.18 without the written approval of the Local Planning Authority.

Reason: In order to protect the setting of Thorley House and to accord with policy HA7 of the East Herts District Plan.

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g.

Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. This planning permission is also subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
3. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
4. Works within the highway (Section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.